



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/655,886	09/06/2000	Jeffrey L. Hirka	JPC-013	8892
70813 7590 02/24/2009 GOODWIN PROCTER LLP 901 NEW YORK AVENUE, N.W. WASHINGTON, DC 20001				
EXAMINER CHENCINSKI, SIEGFRIED E				
ART UNIT 3695		PAPER NUMBER		
NOTIFICATION DATE 02/24/2009		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

AAAlpha-Kpetewama@goodwinprocter.com
patentdc@goodwinprocter.com

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte JEFFREY L. HIRKA
and
STEVEN J. FOX

Application No. 09/655,886
Technology Center 3600

Mailed: February 23, 2009

Before PAMELA S. BENNETT, *Review Team Paralegal*.
BENNETT, *Review Team Paralegal*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on February 9, 2009. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter requiring attention prior to docketing.

INFORMATION DISCLOSURE STATEMENTS

Appellants filed Information Disclosure Statements (IDSs) dated January 31, 2003 and July 8, 2008. There is no indication on the record that the Examiner has considered the above IDSs. Section 609 of the *Manual of Patent Examining Procedure* (MPEP) requires the Examiner to consider any IDSs filed by Applicants if timely submitted. A written communication notifying Appellants of the Examiner's consideration of the above IDSs is required.

CONCLUSION

Accordingly, it is **ORDERED** that the application is returned to the Examiner:

- 1) to consider and acknowledge the IDSs filed January 31, 2003 and July 8, 2008; and
- 2) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

PSB

Goodwin Procter LLP
901 New York Avenue, N.W.
Washington, D.C. 20001